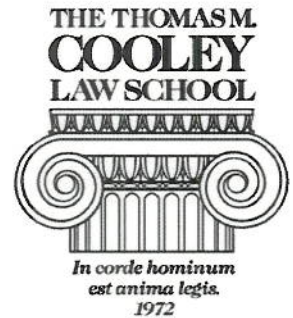


E. CHRISTOPHER JOHNSON, JR.  
ASSOCIATE PROFESSOR  
DIRECTOR, GRADUATE PROGRAM IN CORPORATE LAW & FINANCE



November 30, 2010

Corbin Davis  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

Re: Admin File No. 2010-18, MRPC 6.1

Dear Mr. Davis,

As a Michigan lawyer who has been a leader in pro bono and Access to Justice issues for many years, I write in support of Alternative B now pending before the Court. It is a similar version to the rule published by the Court in 2003 and on which I commented in 2005, which stated in part "[t]he recommended minimum contribution level is \$300 per attorney per year for all attorneys and \$500 per year for those lawyers whose income allows a higher contribution" You will see from the enclosed copy of my 2005 letter, that I spoke for over thirty corporate and large law firm leaders in calling for an increase in the recommended monetary contribution at that time. It is my belief that the sentiment of that group of lawyers remains the same today.

Moreover, as the General Motors North America Vice President and General Counsel from 2001-2008, I can state without hesitation that the most effective way to encourage pro bono participation by lawyers is for leadership to establish clear, measurable and quantifiable goals for attorneys to follow. Once our leadership team established such goals for the GM Legal Staff in 2008, our pro bono participation among lawyers increased significantly and the lawyers became more engaged in these representations than they had previously. This performance was all the more extraordinary given the significant challenges we were then facing as a Company which would have been a convenient excuse to put pro bono on the back burner. However, this was not the case as the Staff exceeded the goals for both attorneys and non attorneys. As I retired at the end of 2008 it was one of my most cherished accomplishments in a 20 year legal career at General Motors. Yet, I do not take the credit for the accomplishment because it was the GM Legal Staff, under the leadership of Cummiskey Award winner Steve Cernak, that rose to the occasion in the midst of difficult times, to reach beyond themselves and provide these much needed services. So, the credit goes to Steve and my former staff that was, and remains, a dedicated group of professionals who only needed the slight nudge from leadership by setting clear, measurable and quantifiable goals.

Similarly here, there is an opportunity for the Supreme Court of this great State to set the standard by adopting Alternative B which, like the goals we established at GM, also provides detail to Michigan lawyers on exactly how to fulfill our pro bono responsibilities – a much needed improvement to the current MRPC 6.1 and the separate Voluntary Standard. Enacting such a standard in Michigan can, just as the goals we enacted at GM, take pro bono services in this state to the next level.

This recommendation is also consistent with the recommendation of the Access to Justice Committee of the Judicial Crossroads Taskforce, (the “ATJ Committee”) which I co-chaired, to wit: “In order to support and promote pro bono, the State Bar should support and the Supreme Court should adopt the revision to Michigan Rules of Professional Conduct 6.1 proposed by the Pro Bono Initiative.” This recommendation was on the heels of the ATJ Committee’s finding that there are barriers to participation in pro bono programs—including some confusion about the details of the pro bono rule; the need for visible judicial leadership; and the unavailability of appropriate pro bono opportunities for all lawyers.

It is for these reasons that as I established a Graduate Program in Corporate Law and Finance at Thomas Cooley Law School in 2009, part of the grade in the required course in Professional Responsibility is the performance of 10 hours of pro bono service. This has encouraged my students, in the midst of their busy schedules with school, work and family responsibilities, to not only find time for pro bono service but also in numerous cases exceed the 10 hour goal. More importantly, many have told me that this experience has helped them develop more of a commitment to making pro bono a regular part of their careers as they move into the profession. Again, they do the work and deserve the credit, as a leader, I provide the incentive.

I commend the Court for putting this rule in front of the profession again, and call upon the Court to exercise its leadership by adopting Alternative B and by doing so encourage and motivate the Michigan Legal Community to take pro bono participation in our state to the next level and beyond.

God Bless,



E. Christopher Johnson, Jr.

Enclosure





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E. Christopher Johnson, Jr.  
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and General Counsel  
General Motors Corporation  
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December 8, 2005

Corbin Davis, Clerk  
Michigan Supreme Court  
Post Office Box 30052  
Lansing, MI 48909

Re: Admin File No. 2003-62, MRPC 6.1

Dear Mr. Davis:

I am writing as Chair of the Southeast Michigan Access to Justice Corporate Committee, a group of general counsels of Michigan corporations and representatives of large law firms. Since 2000, we have gathered colleagues and managing partners of the law firms annually to ask them to support the Access to Justice Fund for civil legal aid and pro bono providers in Michigan. Our appeal is based in part on Michigan Rule of Professional Conduct 6.1 and the Voluntary Standard for Pro Bono Service established by the State Bar's Representative Assembly. The standard, as adopted in 1990, asks lawyers to represent three clients, provide thirty hours of representation, or contribute \$300 annually to non-profit providers of civil legal services.

Last month, our Committee gathered over thirty corporate and large law firm leaders at a luncheon in Detroit and asked them for renewed support of the ATJ Fund. At the end of our presentation, members of the group questioned why the 3-cases/30-hours/\$300 contribution standard has not been changed in the fifteen years since its adoption. They cited the great disparity in the monetary provision of the standard as compared to the service provision, noting that the present day value of the contribution has diminished greatly since 1990, while the cost of legal services has increased annually. It seemed reasonable to us that as the value of legal services rises, the financial provision of the standard should rise as well.

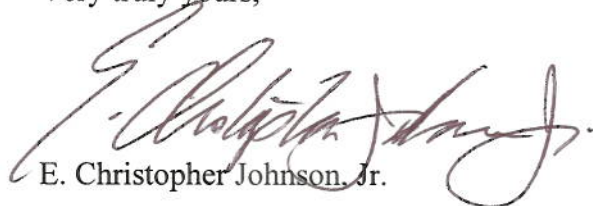
We learned at our meeting that MRPC6.1 is under review, the comment period has expired, and the court has taken testimony on the pending revisions. While it may be late in the process to affect the outcome, I write to let you know that the deflated contribution amount is of concern to the corporate and large law firm community. We are aware that

law practice economics vary throughout Michigan; nonetheless, there are a considerable number of lawyers in large law firms, and other successful practices, for whom an annual contribution greater than \$300 is warranted. Therefore, we, the Corporate Committee and other attendees at the luncheon who are shown as copy recipients below, propose a two-tiered standard, raising the recommended contribution to \$500 for those lawyers whose income so allows.

The ATJ Corporate Committee appeal has raised a considerable portion of the \$5.5 million in cash and pledges received by the ATJ Fund since 1998. I am confident our contributions would be substantially more if the pro bono standard recommended an annual contribution that recognizes inflation.

I appreciate your attention to this letter, and please let me know if I can share any further information on this matter.

Very truly yours,



E. Christopher Johnson, Jr.

ECJ:jm

cc: Dennis W. Archer, Chairman, Dickinson Wright PLC  
Jon Bilstrom, Executive VP, Governance Regulatory Relations & Legal Affairs,  
Comerica, Inc.  
Thomas Branigan, Managing Partner, Bowman & Brooke  
Thomas W. Cranmer, President, State Bar of Michigan, Principal,  
Miller Canfield Paddock & Stone, PLC  
Mark A. Davis, Managing Partner, Howard & Howard Attorneys, PC  
Eugene Driker, Member, Barris Sott Denn & Driker, PLLC  
James F. Gehrke, Shareholder, Chair, Pro Bono Committee, Butzel Long, PC  
Robert E. Gilbert, Of Counsel, Miller Canfield Paddock & Stone, PLC  
Thomas A. Gottschalk, Executive VP, Law and Public Policy, General Motors Corp.  
James T. Heimbuch, Partner, Bodman LLP  
Steven H. Hilfinger, Partner, Foley & Lardner  
David G. Leitch, Senior VP & General Counsel, Ford Motor Company  
Thomas W. Linn, Managing Partner, Miller Canfield Paddock & Stone, PLC  
Lawrence Mann, Of Counsel, Bowman & Brooke  
Stephen J. Murphy, Jr., U. S. Attorney, Eastern District of Michigan  
Bruce D. Peterson, Senior VP and General Counsel, DTE Energy

Linda Rexer, Executive Director, Michigan State Bar Foundation  
Barbara Rom, Managing Partner, Pepper Hamilton, LLP  
William A. Sankbeil, Member, Kerr, Russell & Weber  
Rex E. Schlaybaugh, Jr., Chairman and CEO, Dykema Gossett, PLLC  
Alan S. Schwartz, Managing Partner, Honigman Miller Schwartz & Cohn LLP  
Shermane Sealey, Managing Attorney of Intake, Legal Aid & Defender  
Larry R. Shulman, Managing Partner, Bodman LLP  
Lesa Smith, Access to Justice Campaign Administrator, State Bar of Michigan  
Reginald M. Turner, Jr., President, National Bar Assn.; Member, Clark Hill, PLC  
Jeffrey Weisserman, General Counsel, Trott & Trott  
I.W. Winsten, Partner, Honigman Miller Schwartz & Cohn, LLP